



January 10, 2014

HOUSE BILL No. 1057

DIGEST OF HB 1057 (Updated January 8, 2014 11:36 am - DI 103)

Citations Affected: IC 8-6.

Synopsis: Unobstructed views at railroad crossings. Requires the Indiana department of transportation (INDOT) to adopt rules concerning distances for maintaining an unobstructed view within (rather than from) a railroad right-of-way. Provides that a rule adopted by INDOT concerning distances for unobstructed views within railroad rights-of-way replaces any common law duties imposed on a railroad with respect to the distances established under the rule.

Effective: July 1, 2014.

Slager

January 7, 2014, read first time and referred to Committee on Roads and Transportation.
January 9, 2014, amended, reported — Do Pass.

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January 10, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1057

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-6-7.6-1.1, AS ADDED BY P.L.2-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 1.1. **(a)** The Indiana department of transportation
4 shall adopt rules under IC 4-22-2 to do the following:

5 (1) Establish ~~minimum distances to~~ **distances at** which a railroad
6 must maintain, for the benefit of operators of licensed motor
7 vehicles, an unobstructed view ~~from~~ **within** the railroad
8 right-of-way at a public railroad crossing that is under the control
9 of the railroad. In establishing ~~minimum~~ distances under this
10 subdivision, the Indiana department of transportation shall take
11 into account safety measures in place at a public crossing,
12 including train activated warning devices and federal railroad
13 track classifications.

14 (2) Provide exceptions to ~~minimum~~ distances required under
15 subdivision (1) based on variances in terrain, elevations, track
16 curvature, and permanent improvements at or near a public

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1 crossing.

2 (3) Develop a method to determine and verify ~~a minimum~~
3 ~~distance~~ **distances** required under subdivision (1). The method
4 must:

5 (A) be consistent with accepted engineering practices; and

6 (B) produce results capable of replication.

7 **(b) A rule adopted under subsection (a) replaces any common**
8 **law duties imposed on a railroad with respect to distances**
9 **established or methods of verification developed under the rule.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1057, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, after "verify" strike "a".

Page 2, line 3, strike "distance" and insert "**distances**".

Page 2, line 6, delete "abrogates" and insert "**replaces**".

Page 2, line 7, delete "the subject matter" and insert "**distances established or methods of verification developed under**".

Page 2, line 8, delete "of".

and when so amended that said bill do pass.

(Reference is to HB 1057 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 11, nays 0.

